

USDC IN/ND case 3:19-cv-00313-PPS-MGG document 4 filed 03/15/19 page 1 of 1 St. Joe City

STATE OF INDIANA ) IN THE ST. JOSEPH CIRCUIT/SUPERIOR COURT  
                      ) SS:  
ST. JOSEPH COUNTY ) CAUSE NO. **71D06-1903-CT-000100**

RONALD BAKER,  
Plaintiff,  
v.  
JAMES TINKER and  
TRANS-PORTE, INC., d/b/a  
US FOOD SERVICE,  
Defendants.

## **COMPLAINT FOR DAMAGES**

Plaintiff, Ronald Baker, by counsel, for his action against Defendants, James Tinker and Trans-Porte, Inc. d/b/a US Food Service, states as follows:

1. At the time of the accident which is the subject of this lawsuit, Plaintiff was a resident of St. Joseph County, Indiana.
  2. At the time of the accident which is the subject of this lawsuit, Defendant James Tinker was a resident of Berrien County, Michigan.
  3. At the time of the accident which is the subject of this lawsuit, Defendant Trans-Porte, Inc. d/b/a US Food Service, was a corporation doing business in Indiana, organized under the laws of the State of Delaware, and its principal place of business was located in Illinois.
  4. The accident which is the subject of this lawsuit occurred in St. Joseph County, Indiana.
  5. At the time of the accident which is the subject of this lawsuit, Defendant James Tinker was acting in the course and scope of his employment with Trans-Porte, Inc. d/b/a US Food

Service.

6. On or about January 20, 2019, Plaintiff was traveling on Ameritech Drive with the right-of-way.

7. At the same time and place, Defendant James Tinker turned left out of a parking lot and directly into the path of Plaintiff's travel.

8. At all relevant times, Defendant James Tinker owed a duty to Plaintiff and others on the roadway to operate his vehicle with reasonable care.

9. Defendant James Tinker breached his duty to Plaintiff when he failed to maintain a proper lookout and failed to yield the right-of-way.

10. As a direct and proximate result of Defendant James Tinker's negligence, Plaintiff sustained physical injuries and incurred medical expenses, pain and suffering, emotional distress, property damage, loss of use of his property, rental expenses, diminution of the value of his property, and lost time, all of which damages are in an amount yet uncertain.

11. Defendant Trans-Porte, Inc. d/b/a US Food Service, is vicariously liable for the acts of its employee, James Tinker, taken in the course and scope of his employment.

WHEREFORE, Plaintiff demands judgment against Defendants in an amount that will reasonably compensate him for the damages he has sustained, the costs of this action and for all other just and proper relief.

**JURY DEMAND**

With regard to the allegations of this Complaint, Plaintiff, by counsel, requests a trial by jury.

Respectfully Submitted,



Michael J. Anderson (#4004-71)  
Tracey Steele Schafer (#28770-64)  
Anderson • Agostino & Keller, P.C.  
131 South Taylor Street  
South Bend, Indiana 46601  
Telephone: (574) 288-1510  
Facsimile: (574) 288-1650  
Email: anderson@aaklaw.com;  
schafer@aaklaw.com  
Attorneys for Plaintiff